

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

JOHNNY WAYNE EVANS

PLAINTIFF

v.

Civil No. 07-5163

SHERIFF KEITH FERGUSON;  
CAPTAIN HUNTER PETRAY;  
SGT. VAUGHN; DEPUTY POP;  
DEPUTY VANATTA; and  
DEPUTY MONROE

DEFENDANTS

**ORDER**

Plaintiff's complaint was filed in this case on September 26, 2007. Before the undersigned is the issue of whether the complaint should be served. In order to assist the court in making such determination, it is necessary that plaintiff provide additional information.

Accordingly, it is ordered that plaintiff, Johnny Wayne Evans, complete and sign the attached addendum to his complaint, and return the same to the court **by November 27, 2007.** **Plaintiff is advised that should he fail to return the completed and executed addendum by November 27, 2007, his complaint may be dismissed without prejudice for failure to prosecute and/or for failure to obey an order of the court.**

IT IS SO ORDERED this 5th day of November 2007.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI  
UNITED STATES MAGISTRATE JUDGE

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DEFENDANTS

**ADDENDUM TO COMPLAINT**

TO: JOHNNY WAYNE EVANS

This form is sent to you so that you may assist the court in making a determination as to the issue of whether the complaint should be served upon the defendants. Accordingly, it is required that you fill out this form and send it back to the court **by November 27, 2007**. Failure to do so will result in the dismissal of your complaint.

The response must be legibly handwritten or typewritten, and all questions must be answered completely in the proper space provided on this form. If you need additional space, you may attach additional sheets of paper to this addendum.

**RESPONSE**

In your complaint, you allege that your rights were violated in the following ways: (1) Caption Petray violated your Eighth Amendment rights on various dates; (2) Captain Petray discriminated against you on September 13th; (3) you were assaulted by Deputy Vanetta and Sgt. Vaughn on August 6th; (4) you were assaulted by Deputy Pop on September 8th; (5) you were

assaulted by Deputy Monroe on September 3rd; and (6) you were threatened with physical harm by Deputy Vanatta on August 17th.

1. Provide the dates of your incarceration at the Benton County Detention Center (BCDC). (In answering, be specific).

Answer:

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2. Are you incarcerated at the BCDC solely because of pending criminal charges?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

If you answered yes, please state what charges are pending against you.

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If you answered no, please state whether you are serving a sentence or if your probation, parole, or supervised release has been revoked.

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3. With respect to your claim against Captain Petray, please state how he violated your Eighth Amendment rights on August 6th, August 13th, September 9th, September 10th, September 12th, and September 14th.

Answer:

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

4. Please describe in detail how Captain Petray discriminated against you on September 13th.

Answer:

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5. You allege you were assaulted by Deputy Vanatta and Sgt. Vaughn on August 6th. Please state: (a) what was occurring when you were assaulted; (b) the amount of force used by Deputy Vanatta; (c) the amount of force used by Sgt. Vaughn; (d) whether you had refused to obey an order of one or more deputies at the time; and (e) whether you were charged with a disciplinary violation as a result of the incident.

Answer:

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6. Did you suffer any injuries as a result of the use of force against you on August 6th?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

If you answered yes, please state: (a) what injury you suffered; (b) the symptoms you experienced; (c) the severity of the symptoms; (d) whether you sought, or received medical care; (e) what treatment you received; and (f) how long it took you to recover from the injuries.

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7. You allege you were threatened with physical harm by Deputy Vanatta on August 17th. Please explain in detail how Deputy Vanatta threatened you.

Answer:

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8. You allege you were assaulted by Deputy Monroe on September 3rd. Please state:  
(a) what was occurring when you were assaulted; (b) the amount of force used by Deputy Monroe; (c) whether you had refused to obey an order of one or more deputies at the time; and  
(d) whether you were charged with a disciplinary violation as a result of the incident.

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9. Did you suffer any injuries as a result of the use of force against you on September 3rd?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

If you answered yes, please state: (a) what injury you suffered; (b) the symptoms you experienced; (c) the severity of the symptoms; (d) whether you sought, or received medical care; (e) what treatment you received; and (f) how long it took you to recover from the injuries.

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10. You allege you were assaulted by Deputy Pop on September 8th. Please state: (a) what was occurring when you were assaulted; (b) the amount of force used by Deputy Pop; (c) whether you had refused to obey an order of one or more deputies at the time; and (d) whether you were charged with a disciplinary violation as a result of the incident.

11. Did you suffer any injuries as a result of the use of force against you on September 8th?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

If you answered yes, please state: (a) what injury you suffered; (b) the symptoms you experienced; (c) the severity of the symptoms; (d) whether you sought, or received medical care; (e) what treatment you received; and (f) how long it took you to recover from the injuries.

[illegible]

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I CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS COVERED BY  
THE VERIFICATION MADE BY ME ON MY INITIAL COMPLAINT.

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JOHNNY WAYNE EVANS

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DATE